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*Appearing pursuant to Fed R. Civ. P. 45(f)*  
*and Civ. L.R. 11-1(a)*

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re

SUBPOENA SERVED ON FORMER  
SECRETARY OF EDUCATION  
ELISABETH DEVOS

Case No.: 3:21-mc-80075-WHA

**RESPONSE TO MAY 10, 2021 ORDER**

Judge: Honorable William Alsup

On May 10, 2021, the Court entered an order directing the parties to submit “an organizational chart delineating the chain of command between former-Secretary DeVos and the four former officials already deposed in case No. C 19-03674 WHA, Principal Deputy Under Secretary Jones, Director Nevin, Chief Operating Officer Brown, and Acting Under Secretary Manning.” Doc. 44. Secretary DeVos joins in the filing by Defendants,<sup>1</sup> with the following additions and caveats:

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<sup>1</sup> Secretary DeVos respectfully maintains that the order transferring this matter to this Court is erroneous. She joins the instant filing because there is currently in force an order of this Court commanding her to appear and file briefing in this matter. Doc. 30. By joining this filing and appearing in this Court pursuant to the Court’s order, Secretary DeVos does not consent to, nor does she waive her right to contest, the jurisdiction of this Court, and she reserves all appellate rights.

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2 The second chart (Exhibit B) shows a simplified organizational structure of Federal Student  
3 Aid (“FSA”), which is comprised of several component offices, and these component offices have  
4 organizational reporting lines within them. For example, within the office represented by the box  
5 entitled “Federal Student Aid,” there are several positions with delineated lines of authority. *See*  
6 [https://www2.ed.gov/about/offices/list/om/fs\\_po/fsa/home.html](https://www2.ed.gov/about/offices/list/om/fs_po/fsa/home.html);  
7 <https://www2.ed.gov/about/offices/or/fs/fsa/home.html>.

8 Defendants note that “Federal agencies develop policy through a number of means, taking  
9 into account the input of any number of individuals, including both those that are listed on the  
10 formal chain of command and those who are not.” For example, the Office of the General Counsel,  
11 as well as other advisors and staff members within listed offices, may have a role in decision-  
12 making at all levels of the organizational structure, regardless of reporting lines reflected on  
13 organizational charts.

14  
15 Dated: May 12, 2021

Respectfully submitted,

17 /s/ Jesse Panuccio  
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